

under the Canadian Railway Act, 1903, c. 168 (see now R.S.C. c. 37, s. 209), an appeal from an award fixing compensation for land expropriated under the Act, lies either to the High Court, or the Court of Appeal; but if it is taken to the High Court no further appeal lies to the Supreme Court, whereas if the appeal is taken to the Court of Appeal an appeal will lie from that court to the Supreme Court. In this case the appeal was had to the High Court and a further appeal was then taken to the Supreme Court, which that court rejected as incompetent. The appellants appealed from that decision and also, by special leave, appealed from the decision of the High Court, both of which appeals were dismissed.

NEGLIGENCE—DEFECT IN GAS APPARATUS—INJURY TO THIRD PARTIES—LIABILITY OF CONTRACTOR TO THIRD PARTIES—DANGEROUS ARTICLE.

*Dominion Natural Gas Co. v. Collins* (1909) A.C. 640 was an appeal from the Court of Appeal for Ontario and deals with a very important point. The facts were simple, the defendant gas company supplied natural gas to a railway company and for the purpose of such supply installed the necessary apparatus, which included apparatus for the regulation of pressure, and a valve for the escape of the gas where it exceeded the desired pressure. This apparatus was installed in the machine shop of the railway company in which a boiler was placed which was heated by gas jets. The escape pipe opened directly into the boiler house, an escape of gas took place and it was ignited by the gas jets of the boiler, and this caused an explosion whereby one of the railway employees was killed, and another injured. The representatives of the deceased workman, and the injured workman, both brought actions against the railway company and the gas company. There was evidence that the workmen of the railway company had tampered with the gas plant and interfered with its working properly, and the jury found that the railway company had been negligent in permitting their men to tamper with the gas plant. The jury also found that the apparatus was negligently constructed, on the ground that the escape pipe ought to have been led to the open air. The actions were dismissed as against the railway company, but judgment was given against the gas company at the trial, which was affirmed by the Court of Appeal. On the appeal to the Judicial Committee of the Privy Council